

In re application of: Gang HE et al.

Serial No: 09/827,141

Art Unit: 2877

Filed: April 6, 2001

Examiner: Turner, Samuel A.

Confirmation No.: 5105

Subject: MULTI-PASS TUNABLE OPTICAL FILTER USING A POLARIZATION-DEPENDENT FILTER ELEMENT; AND MULTI-PASS OPTICS THEREFOR

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA VA 22313-1450REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.143  
AND PROVISIONAL ELECTION

Sir:

In response to the Office Action mailed July 21, 2003, applicants provisionally elect, with traverse, the invention of Group II, i.e., restriction to claims 12-29 drawn to the optical spectrum analyzer.

The restriction requirement is respectfully traversed. The multi-pass tunable filter of claim 1 is an important part of the optical spectrum analyzer of claim 21. It is submitted that, in carrying out a proper search in respect of the optical spectrum analyzer, the examiner will need to search for a multi-pass tunable filter having the structure set out in claim 1 and the polarization-maintaining multi-pass optical means set out in claim 30.

Consequently, it is submitted that examination of all of claims 1 to 36 would not impose an undue examination burden upon the Patent and Trademark Office.

In view of the foregoing, therefore, the applicants respectfully request that the restriction requirement be withdrawn.

Respectfully submitted



DATE: August 12, 2003

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## CERTIFICATION OF FACSIMILE TRANSMISSION

I certify that this correspondence is being facsimile transmitted to the United States Patent & Trademark Office, number 703 308 7382 on the date shown below:

Date

12<sup>th</sup> Aug 2003

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